

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERIC EUGENE SNYNER, SR.,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	
	:	NO. 5:23-cv-150-MTT-CHW
	:	
Sheriff DAVID DAVIS;	:	
<i>et al.,</i>	:	
	:	PROCEEDINGS UNDER 42 U.S.C. § 1983
Defendants.	:	<u>BEFORE THE U.S. MAGISTRATE JUDGE</u>
	:	
	:	ORDER
	:	

Plaintiff Eric Eugene Snyder, Sr., a pretrial detainee in the Bibb County Law Enforcement Center in Macon, Georgia, filed a 42 U.S.C. § 1983 complaint. ECF No. 1. He also moved to proceed *in forma pauperis*. ECF No. 2. Plaintiff must recast his complaint and provide a certified copy of his trust fund account statement.

Plaintiff names five Defendants, including the Bibb County Sheriff's Office, Sheriff David Davis, and several officers. ECF No. 1 at 1-3. He alleges that on March 8 and/or March 9, 2022, his "victim's sister came inside [the] Bibb County Law Enforcement Center to commit murder against [him]." *Id.* at 5. Plaintiff states he had to receive mental health treatment and start taking Zoloft as a result of this incident. Plaintiff does not explain any of the Defendants' involvement. *Id.* at 6. Because Plaintiff is proceeding *pro se* the Court will allow him one opportunity to amend his complaint to state a claim.

Plaintiff must complete the attached 42 U.S.C. § 1983 form in full. It appears that Plaintiff may not have fully exhausted available administrative remedies. These remedies must be

exhausted **PRIOR** to filing a § 1983 complaint. If Plaintiff does not exhaust available administrative remedies before filing his complaint, the complaint will be dismissed, but Plaintiff will still be responsible for the full payment of the filing fee (\$350.00).

When filing his amended complaint, Plaintiff must list each Defendant in the heading of his complaint. Then, in the Statement of Claim section of the complaint, Plaintiff must list each Defendant again and tell the Court exactly how each Defendant violated Plaintiff's constitutional or federal statutory rights.

If a Defendant is not linked to a claim, the action will not proceed against that Defendant. If a claim is not linked to any Defendant, that claim will be dismissed.

Plaintiff should be aware that the Bibb County Sheriff's Office, which he lists as a Defendant, is not a legal entity subject to suit. *See Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir. 1992) (citations omitted) (recognizing that "[s]heriff's departments and police departments are not usually considered legal entities subject to suit"). Also, Plaintiff states he suffered "mental anguish, pain, and suffering." ECF No. 1 at 6. Pursuant to the Prison Litigation Reform Act, Plaintiff may not recover compensatory damages "for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act." 28 U.S.C. 1997e(e).

The amended complaint is limited to **TEN** pages. Plaintiff is not to include any exhibits or attachments with his amended complaint. The Court will not refer to Plaintiff's original complaint to determine if Plaintiff has stated a claim. Plaintiff must follow these instructions. If he fails to do so, his action will be dismissed.

As stated above, Plaintiff also moves to proceed *in forma pauperis*. ECF No. 2. The Court has reviewed Plaintiff's motion and finds it is incomplete. A prisoner or pretrial detainee seeking leave to proceed *in forma pauperis* must submit (1) an affidavit in support of his claim of

indigence and (2) “a certified copy of [his] trust fund account statement (or institutional equivalent) . . . for the 6-month period immediately preceding the filing of the complaint.” 28 U.S.C. § 1915(a)(1)-(2). Plaintiff has failed to submit a certified copy of his trust fund account statement. Plaintiff must be aware that he will be responsible for the full payment of the filing fee even if the Court grants him leave to proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1).

In conclusion, it is **ORDERED** that Plaintiff has **FOURTEEN (14) DAYS** from the date of this Order to file his amended complaint and to submit a certified copy of his trust fund account statement. If Plaintiff fails to do so, or fails to follow the instructions in this Order, his action will be dismissed without prejudice.

It is **DIRECTED** that the Clerk of Court forward to Plaintiff a standard §1983 form and *in forma pauperis* forms with the civil action number on them along with a copy of this Order.

Plaintiff is **ORDERED** to keep the Court informed of any address changes and his failure to do so, may result in dismissal of this action.

So **ORDERED and DIRECTED**, this 16th day of June, 2023.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge